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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,774	07/02/2003	Richard Jedrzejewski	RJJ-P-03-001	5015

7590 01/10/2005

PATENTS+TMS
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EXAMINER

GLESSNER, BRIAN E

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,774

Applicant(s)

JEDRZEJEWSKI, RICHARD

Examiner

Brian E. Glessner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the portion of the wall panel extending to the second end of the wall panel being connected to the portion of the roof panel that extends toward the second end of the roof panel must be shown or the feature(s) canceled from the claim(s) (claim 10). Figure 5 of applicant's drawings show the portion of the roof panel that extends toward the second end of the roof panel being connected to the portion of the wall panel that extends toward the interior of the shanty. Therefore, the examiner will examine the claims in this manner as "best understood" until further clarification is provided. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of

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the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 14 is objected to because of the following informalities: Claim 14 is not in one sentence form. Appropriate correction is required.

Claim 18 is objected to because of the following informalities: The phrase "the plurality of roof panels" in the last line of the claim lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-7, 9 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Cherry (6,415,558).

In regard to claim 1, Cherry discloses a shanty comprising: plurality of walls 30 defining a room having an interior wherein each of the walls has a length defined between a first end and a second end and a width defined between a third end and a fourth end, wherein a section 40 of each of the walls at the first end extends into the

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interior of the room, and a plurality of roof panels 30 defining a ceiling for the room, wherein each of the roof panels has a length defined between first end and second end and a width defined between third end and a fourth end, wherein a section 40 of each of the roof panels at the first end extends into the interior of the room and further wherein the section of one of the walls extending into the interior is attached to the section of one of the roof panels extending into the interior wherein the plurality of walls and the plurality of roof panels attach to define the room. The examiner would like to point out that the sections 40 are attached to each other through member 50.

In regard to claim 2, Cherry discloses the claimed invention, wherein the shanty further comprises a fastener 46 attaching the wall to the roof panel.

In regard to claims 4 and 5, Cherry discloses the claimed invention, further comprising a post (vertical member 50), figure 3, attached to one of the plurality of roof panels, and a brace (horizontal member 50), figure 3, attached to one of the plurality of walls and one of the plurality of roof panels.

In regard to claim 6, Cherry discloses the claimed invention wherein a section of each of the plurality of walls at the third end is folded into the interior of the room.

In regard to claim 7, Cherry discloses the claimed invention, further comprising a hole (figure 3) formed within the section of the wall extending into the interior of the room.

In regard to claim 9, Cherry discloses the claimed invention, wherein the walls of the shanty are constructed of metal.

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In regard to claims 18-20, Cherry discloses a method for assembling a shanty having an interior, the method comprising the steps of providing a plurality of wall panels, providing a plurality of roof panels, fastening one of the wall panels to one of the plurality of roof panels, attaching a post 50 to the roof panel, and attaching a hinge 112 to one of the plurality of wall panels. The structure of the panels claimed in claim 18 can be seen in the above rejection of claim 1. Therefore, the structure of the panels will not be repeated here.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cherry (6,415,558).

In regard to claim 3, Cherry discloses the claimed invention except for specifically disclosing that the length of one of the roof panels is equal to twice the width of one of the walls. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the roof panels with the above dimensions, because one having ordinary skill in the art would be capable of determining the desired size shelter. Therefore, they would make the panels of a size to produce the desired sized shelter. Further, the applicant has not disclosed that the above size panel is critical to

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the claimed invention. Thus, the examiner contends that any size panel would perform the same function as applicant's panel equally well.

In regard to claim 8, Cherry discloses the claimed invention except for specifically disclosing that a slot is formed within the section of the roof panel that extends into the interior of the room. Cherry discloses the use of an aperture. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a slot in place of the aperture, because a slot will allow some play between the elements. Therefore, it will not be critical to have the apertures in opposing elements line up perfectly in order to fasten them together.

Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cherry (6,415,558) in view of Waller (5,813,174).

In regard to claim 10, Cherry discloses a system comprising a plurality of wall panels 30 defining a room, wherein each of the wall panels has a length defined between a first end and a second end, and wherein a section of each of the wall panels at the first end extends toward an interior of the room, a roof panel 30 contacting the plurality of wall panels at the first end to provide a ceiling for the room, wherein the roof panel has a length defined between a first end and a second end, wherein the section of the roof panel at the first end extends toward an interior of the room, and a fastener 46 attaching one of the wall panels to the roof panel. The panels are attached to each other through the member 50. Cherry does not specifically disclose that the roof and wall panels have a portion extending toward the second ends of each of the panels. Waller teaches that it is known to provide panels that have a portion 44 (figure 10)

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extending toward a second end of the panels. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Waller's teaching into Cherry's invention, because the portion extending toward the second ends of the panels will provide a means to conceal the bolts or fasteners that are used to connect the panels together. Further, Cherry even teaches that it is known to use an in-turned flange on the third and fourth sides. Therefore, one would be capable of reproducing this flange on the first and second ends as well.

In regard to claim 11, Cherry in view of Waller disclose the basic claimed invention, further comprising a post 50 (figure 3) attached to the roof panel.

In regard to claims 12 and 13, Cherry in view of Waller disclose the basic claimed invention except for specifically disclosing that a slot is formed within the section of the roof or wall panel. Cherry discloses the use of an aperture. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a slot in place of the aperture, because a slot will allow some play between the elements. Therefore, it will not be critical to have the apertures in opposing elements line up perfectly in order to fasten them together.

In regard to claim 14, Cherry in view of Waller disclose the basic claimed invention, wherein the roof panel is defined by a plurality of removably attached sections, and a door (figures 1 and 8) positioned adjacent to one of the wall panels.

In regard to claims 15 and 16, Cherry in view of Waller disclose the basic claimed invention, further comprising a handle and a hinge attached to a wall panel. The wall panel 70 has a hinge and a handle attached to it.

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In regard to claim 17, Cherry in view of Waller disclose the basic claimed invention, further comprising a brace (horizontal member 50), figure 3, attached to one of the plurality of walls and one of the plurality of roof panels.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lindsey, McGunn et al., Folley, Skov et al., Marcum, Werner, Walsh and McCalley.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Glessner whose telephone number is 703-305-0031. The examiner can normally be reached on Monday through Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Brian E. Glessner", with a long horizontal flourish extending to the right.

Brian E. Glessner
Primary Examiner
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B.G.
January 6, 2005